

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

Claims Status

Claims 1 through 26 are pending in this Application.

Claims 4 and 7 have been amended herein to correct obvious typographical errors.

Claim 25 has been amended herein to clarify the wording of the claim and to address the 112 rejection which will be discussed in more detail below.

Respectfully, no new matter has been added herein.

Specification and Claim Objections

Claim 7 and the corresponding the Specification had been objected to because Claim 7 recited a limitation in meters while the Specification had used the units of microns. Respectfully, this was an obvious typographical error and Claim 7 has been amended herein to change the units to microns. Support for this change can be found on page 31, line 18.

Claim 4 had been objected to for an obvious typographical error. Claim 4 has been amended herein. Support for this change can be found on page 8, line 7.

Claim Rejections Under 35 USC 112.

Claims 10, 11 and 12 had been objected to as being indefinite on the basis that it was not clear what the weight ratio recited in the claims was based on. The weight ratio recited in these claims is based on the weight of iodine in the vesicle versus the weight of liposome making up the vesicle. Such is recited on page 35 in the last paragraph. It is respectfully submitted that these claims are definite since they recite that the weight ratio is the iodine compound to the lipid in the vesicle membrane or vesicle membrane lipid.

Claim 25 had been rejected as being indefinite. Claim 25 has been amended herein to correct what is deemed obvious typographical errors and thereby make the claim more indefinite.

With respect to the term "sterol" in Claim 25, it is noted that the limitation of sterol in Claim 25 refers to "a sterol". Thus, it is deemed that Claim 25 does provide the antecedent basis for sterol.

Prior Art Rejection

Claims 1-4, 13, 17 and 18 had been rejected as being anticipated by Mackaness and Claims 1-26 had been rejected as being unpatentable over a combination of Klaveness, Na and Otake.

Mackaness and Klaveness have been cited to teach contrast mediums that fall within the scope of Claim 1. Na had been cited to teach modifying the surface of a contrast agent with polyethylene glycol and Otake had been cited to teach the preparation of unilamellar vesicles as using supercritical carbon dioxide.

In order to demonstrate that neither Mackaness nor Klaveness result in the material of Claim 1, the material of both Mackaness and Klaveness have been made and tested. These tests are reported in the Declaration of Mr. Ueda.

As brought out in Mr. Ueda's Declaration, the material of Mackaness and Klaveness have chlorinated solvent in the contrast medium in the amount of 500 μg per liter and 80 μg per liter, respectively. The term "substantially no chlorinated solvent", as used in the claims, means that the contrast medium contains chlorinated solvents in an amount of not more than 10 μg per liter of contrast medium, see page 27, lines 15-17. Thus, based on the data in Mr. Ueda's Declaration, it is clear that neither Mackaness nor Klaveness meets the limitation. In fact, it can be seen that both Mackaness and Klaveness are 8 to 50 times greater than the chlorinated solvent of the present Invention. Applicants submit that reducing the amount of chlorinated solvent by a factor of 8 or 50 is far beyond routine experimentation and far beyond what the references teach or suggest.

Respectfully, Applicants have tested the material of the primary references cited by the Examiner and shown that it does not meet the "substantially no chlorinated solvent" limitation. Respectfully, the combination of Klaveness with Na and Otake would not result in a contrast medium with substantially no chlorinated solvent.

Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

Should any fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

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Encl: Executed Declaration of Mr. Ueda